

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRUMAN HOLMES,

Plaintiff

v.

C-1-08-241

COMMISSIONER OF SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 11) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Magistrate Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. This Court accepts the Report as uncontroverted. The Report and Recommendation is **ADOPTED AND INCORPORATED** herein.

Accordingly, for the reasons stated in the Report and Recommendation (doc. no. 11) the decision of the Commissioner is **REVERSED AND REMANDED** for further proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g) for the purpose of securing an expert cardiologist to review the record and voice an opinion on whether plaintiff has the ability to perform the exertional requirements of medium work, give further consideration to the vocational requirements of the job of hand packer and resolve any other issues the defendant finds to be appropriate according to law.

This case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court